

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY A. PATE,

Plaintiff,

No. CIV S-04-1201 FCD DAD P

vs.

SACRAMENTO COUNTY
SHERIFF'S DEPUTIES, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On November 29, 2007, defendant deputy sheriff Garcia filed a motion for summary judgment or adjudication. Plaintiff has not filed his opposition to the motion.

Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion" On November 16, 2006, plaintiff was advised of the requirements for filing an opposition to a motion for summary judgment and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

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1 Local Rule 11-110 provides that failure to comply with the Local Rules “may be
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court.” In the order filed November 16, 2006, plaintiff was advised that
4 failure to comply with the Local Rules may result in a recommendation that this action be
5 dismissed.

6 Accordingly, IT IS HEREBY ORDERED that, within thirty days of the date of
7 this order, plaintiff shall file his opposition, if any, to the defendant’s motion for summary
8 judgment. Failure to file an opposition will be deemed as a statement of non-opposition and
9 shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil
10 Procedure 41(b).

11 DATED: January 9, 2008.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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